

**AN ORDINANCE OF THE TOWNSHIP COUNCIL  
OF THE TOWNSHIP OF DEPTFORD AMENDING  
THE DEPTFORD TOWNSHIP CODE §4-2**

**BE IT ORDAINED** by the Mayor and Council of the Township of Deptford hereby amending Deptford Township Code §4-2 to include:

**CANVASSERS, SOLICITORS, DISTRIBUTORS, PEDDLERS, TRANSIENT MERCHANTS**

A. Limitation. No merchandise, wares, goods, foods, etc., is permitted to be sold or offered for sale on any sidewalk or sidewalk right-of-way or public thoroughfare or public highway or public property within the Township of Deptford, except as provided herein.

B. Exemption.

(1) From time to time charitable festivals and other organized activities are conducted within the Township of Deptford.

(2) Whenever the governing body of the Township of Deptford gives permission for such charitable festivals and/or other such organized activities to occur within the Township the following restrictions shall apply:

(a) Charitable organizations and/or nonprofit organizations and their agents, servants, and/or employees are permitted to peddle, solicit, canvass and/or sell merchandise, etc., during such charitable festivals or such other organized activity upon the public sidewalks and other public property, as long as a minimum four-foot safe, continuous, unobstructed path is maintained on the sidewalk;

(b) The various shops and stores within the Township may not display their merchandise on the sidewalk directly in front of their stores or shops and may not make sales from such locations during the charitable festival or other organized activity, unless the governing body of the Township of Deptford has given permission in advance of the charitable festival and/or such organized activity for a shop or store to display and sell its merchandise.

(c) No other peddler, solicitor, canvasser person and/or entity shall be permitted to peddle, solicit, canvass, sell, or offer for sale any merchandise during such charitable festival or other organized activity.

(3) A "charitable festival" or "organized charitable activity" is defined as one or more nonprofit organizations and/or nonprofit entities conducting an organized endeavor wherein merchandise may be sold, entertainment may be provided, celebration may be conducted, etc., all for the purpose of raising monies for charitable purposes.

C. Exception of certain groups. The following groups and individuals acting on behalf of such groups are exempt from above:

(1) Political group: a nonprofit association of persons sponsoring or advocating certain ideas of government or maintaining certain political principles or beliefs in public policies of government or advocating the candidacy of any individual for elective office;

(2) Religious group: a nonprofit association of persons associated for the purpose of maintaining, advocating and/or espousing certain religious principles and beliefs;

(3) Charitable group: a nonprofit association of persons that freely and voluntarily administers to the needs of those persons unable to help themselves and generally associated to serve the public good and welfare without profit;

(4) Civic group: a nonprofit association of persons engaged in promoting the common good and general welfare of the residents of the municipality. Such definition shall include but not be limited to school groups, benevolent societies and service clubs engaged in nonprofit activities.

D. Displays of certain merchandise and ornamental plantings.

(1) The purpose of this subsection is to permit certain decorative displays of merchandise and plantings in front of stores to assist the merchants to market their merchandise and goods and to enhance the beauty of the Township of Deptford.

(2) Ornamental plantings, merchandise, and goods except clothing, shoes, personal apparel and garments which are offered for sale within a store with sidewalk frontage may be displayed in front of the exterior store front within the sidewalk right-of-way and on privately owned property. Clothing shall only be displayed on a mannequin. There shall be no more than one mannequin per store. The clothing shall be worn by the mannequin, not merely draped upon it.

(3) Merchandise shall be tastefully and decoratively displayed and located no more than 30 inches (measuring perpendicular from the front edge) from the front wall of the building in which the store is located. The merchandise or display shall not extend beyond four linear feet. The display shall not obstruct the storefront entrance and shall not extend above five feet from the sidewalk surface.

(4) A safe, continuous, unobstructed path on the public sidewalk with a minimum of four feet must be maintained for pedestrian traffic to pass in front of the property having an outdoor decorative display. A minimum unobstructed distance of five feet must be maintained from the curb as well.

(5) No other merchandise, wares, goods, foods, clothing, apparel, etc., may be displayed on the exterior of any store or building, either on private property or in the public right-of-way, except as provided herein.

(6) The decorative display shall not contain front lighting, backlighting and/or lighting within the display, except holiday lighting on ornamental plantings. The decorative display shall not contain electronic and/or mechanical moving devices or items even if offered for sale within the stores. The decorative display shall not contain any signage.

(7) The above referred to merchandise and goods permitted to be displayed in front of the exterior store front may be displayed on temporary removable supports such as racks, benches, shelves, decorative carts, etc., and shall be removed at the end of each day of business and shall have no wheels except for the decorative carts. Packing cartons, cardboard boxes, card tables, folding tables, or similar display supports are prohibited.

(8) No sales may occur outside the store. All sales must be conducted within the store. The goods and merchandise within the decorative display are not to be sold on the sidewalk.

(9) Plants, trees, cut flowers and any other vegetative matter displayed for beautification and not for sale shall be exempt from this section.

(10) No display shall contain any sound or lighting of any kind and no electrical power devices such as television, Internet/computer or other similar devices shall be permitted. No merchandise, instruments, devices or paraphernalia which are designed for use in connection with a specified sexual activity, as defined in N.J.S.A. 2C:34-6, may be displayed.

(11) Businesses with any cafe tables and chairs or a sandwich board on the exterior of their buildings shall not be permitted to maintain an outdoor display.

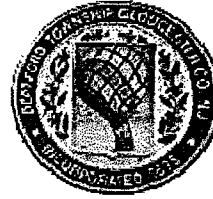
(12) All displays of merchandise and goods under the provisions of this chapter, and all window boxes or other exterior fixtures on a commercial building, shall be kept neat and clean and free from dead plants, trash, litter, and other debris.

(13) In the event that the Code Enforcement Officer determines that any decorative display of merchandise and goods is in a state of disrepair, unkempt or unclean or presents the potential of a pedestrian hazard or otherwise fails to comply with the provisions of this section, the business owner shall immediately correct the display at the request of the Code Enforcement Officer. The Code Enforcement Officer shall also be authorized to order the business owner to discontinue the display for failure to comply with this section or the request to correct the display. If the Code Enforcement Officer has determined that the business/building is in violation of any other municipal ordinance or regulation or state statute or regulation, the Code Enforcement Officer shall give written notice of the unsatisfactory condition of the business/building and/or the violation of the terms of the ordinance, statute or regulation, and the business will be required to correct this situation before proceeding with any outdoor display.

(14) The Code Enforcement Officer shall be authorized to file a complaint in Municipal Court against any business owner that establishes or maintains an outdoor display in violation of the provisions of this section. Any person being found in violation of this section shall be subject to a fine in an amount not to exceed \$2,500 for each violation.

(15) A business with two violations of this chapter should forfeit the right to establish or maintain outdoor displays.

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect immediately upon adoption and publication.



TOWNSHIP OF DEPTFORD

Paul Medany  
PAUL MEDANY, MAYOR

ATTEST:

Dina L. Zawadski  
DINA L. ZAWADSKI, TOWNSHIP CLERK

**CERTIFICATION**

The foregoing Ordinance was introduced at a Regular Meeting of Township Council of the Township of Deptford held on the 1<sup>st</sup> day of April, 2013 and will be considered for final passage and adoption at a Work Session Meeting at which time any person interested therein will be given an opportunity to be heard. Said meeting to be held on the 15<sup>th</sup> day of April, 2013 at the Municipal Building, 1011 Cooper Street, Deptford, New Jersey.

Dina L. Zawadski  
DINA L. ZAWADSKI, TOWNSHIP CLERK

Introduction

RECORD OF VOTE						
Council Member	Resolution No.	Ordinance No.	Yes	No	Abstain	Absent
		O.8.13				
Medany			✓			
Hufnell			✓			
DiMarco			✓			
Lamb			✓			
Love			✓			
Schocklin			✓			
Scott			✓			

Adoption

RECORD OF VOTE						
Council Member	Resolution No.	Ordinance No.	Yes	No	Abstain	Absent
		O.8.13				
Medany			✓			
Hufnell			✓			
DiMarco			✓			
Lamb			✓			
Love						A
Schocklin			✓			
Scott			✓			